

### **ARGUMENTS/REMARKS**

Applicant would like to thank the Examiner for the careful consideration given the present application, and for the personal interview conducted on July 15, 2004. The application has been carefully reviewed in light of the Office Action and the interview, and amended as necessary to more clearly and particularly describe and claim the subject matter which Applicants regard as the invention.

Claims 1–18 remain in this application. Claims 6–9 and 15–18 were objected to. Claims 1–4 and 10–13 have been canceled and previously withdrawn due to an earlier restriction requirement. Applicant reserves the right to present these claims in a divisional application.

Claims 6–9 and 15–18 were objected to for being dependent upon a rejected parent claim, but allowable if put into independent format. Claim 15 has been put into independent format, making the objection to claims 15–18 moot, and those claims are in a condition for allowance. Because Applicant traverses the rejection of claim 5, claims 6–9 have not been put into independent format.

Claims 5, and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Peckham *et al.* (U.S. 6,078,794) in view of Mattila *et al.* (U.S. 5,432,473). For the following reasons, the rejection is respectfully traversed.

Claim 5 recites a "matching unit which performs a matching operation of a characteristic of said second power amplifier as an input to said second power amplifier" and a "a matching control unit which controls said matching unit." Claim 14, as amended, recites a step of "matching a characteristic of the second power amplifier by way of a matching circuit as an input to said second power amplifier" and a step of

"controlling the matching circuit using a matching control unit." The cited references do not teach these elements of the claims, even if combined.

The Examiner points to figure 4, and col. 4 line 50 to col. 5 line 35 as teaching the cited claim limitations. However, the Harmonic Filter Matching Circuit of Fig. 4 is clearly shown in Fig. 1 as being connected to an input of the duplexer 150, not an input of a second power amplifier, as recited in the claims (see also col. 2, lines 45–60). Alternatively, if the Examiner intended to cite the interstage matching circuit 134 as teaching the cited claim limitations, the Examiner has not shown where the reference teaches controlling this circuit 134. Furthermore, there is no teaching of the interstage matching circuit 134 as being controlled by a matching control unit. At most, the reference teaches that the "interstage matching circuit 134 uses a switch to add components [for varying] the matching characteristic of the interstage matching circuit...." (col. 6, lines 9–12). There is no teaching of any control unit doing the controlling.

Furthermore, the harmonic filter matching circuit 140 of Peckham is used to match an outgoing signal to the antenna 155 at the frequency band of interest (see col. 2, lines 53–55), and does *not* match the characteristics of the amplifier on the input to the power amplifier. Thus, the reference does not teach the matching unit of the claims.

Mattila does not overcome these shortcomings of Peckham, and thus, claims 5 and 14 are patentable over the references, even if combined. Claims 6–9, which depend, directly or indirectly on claim 5, are thus patentable over the references for at least the same reasons as claim 5.

Furthermore, the Examiner has not provided the proper motivation for making the combination. The burden is on the Examiner to make a prima facie case of

obviousness (MPEP §2142). To support a prima facie case of obviousness, the Examiner must show that there is some *suggestion* or *motivation* to modify the reference(s) (MPEP §2143.01). The mere fact that references *can* be combined or modified, alone, is not sufficient to establish prima facie obviousness (*Id.*). The prior art references must also suggest the *desirability* of the combination (*Id.*).

The Examiner has not cited any portion of either reference to support any such suggestion or motivation for the combination. A conclusory statement of benefit or advantage, such as the one provided by the Examiner in the Office Action, is not sufficient to show obviousness. Instead, some rationale for combining the references must be found in the references themselves, or drawn from a convincing line of reasoning based on established scientific principles practiced by one skilled in the art that some advantage or beneficial result would be produced by the combination (MPEP §2144). Such motivation cannot be found in the application itself, as such hindsight is impermissible; the facts must be gleaned from the prior art. (MPEP §2142, last paragraph).

The Examiner has provided only a generalized statement as to the possible benefits of combining the references. The Examiner has not shown where in the prior art such motivation is found. Thus, the claims are not properly rejected, and patentable over the references for this reason as well.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

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If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33241.

Respectfully submitted,  
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